

Message

From: Aranda, Amber [aranda.amber@epa.gov]
Sent: 10/24/2022 2:43:11 PM
To: Gavin, Quinn [Gavin.Quinn@epa.gov]
Subject: RE: EPA Internal - Draft Baseline FIFRA Eco Mitigation Guidance
Attachments: Templates - 10-12-22 Draft Internal - Baseline FIFRA Eco Mitigation Guidance - ala.docx

Flag: Follow up

Some thoughts on the template -

Amber L. Aranda
Environmental Protection Agency
Office of General Counsel
202) 564-1737

From: Gavin, Quinn <Gavin.Quinn@epa.gov>
Sent: Monday, October 24, 2022 8:16 AM
To: Aranda, Amber <aranda.amber@epa.gov>
Subject: RE: EPA Internal - Draft Baseline FIFRA Eco Mitigation Guidance

Hello Amber,

This is still not totally set I think but if you have any thoughts I think it would be good to share them with the team. I do think that's where they are in the label table. For the first bullet point, isn't it before the treated seed is bagged? That seems like pre-planting to me but I may be missing something.

Best,
Quinn

From: Aranda, Amber <aranda.amber@epa.gov>
Sent: Thursday, October 20, 2022 7:44 PM
To: Gavin, Quinn <Gavin.Quinn@epa.gov>
Subject: RE: EPA Internal - Draft Baseline FIFRA Eco Mitigation Guidance

Thanks for sending. Is this open for discussion/review by me – or is it set? I haven't had a chance to review the attached – just your email. So thanks for the heads up and sending your thoughts.

Note, the first bullet also relates to use of the treated seed. It's about planting.

Both the bullets relate to what we can compel of the user of the treated article. Those bullets need to appear in the part of the label relating to the need for those instructions being communicated by the user of the treating pesticide through the seed bag tag.

Amber L. Aranda
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From: Gavin, Quinn <Gavin.Quinn@epa.gov>
Sent: Thursday, October 20, 2022 11:41 AM
To: Aranda, Amber <aranda.amber@epa.gov>

Subject: FW: EPA Internal - Draft Baseline FIFRA Eco Mitigation Guidance

Importance: High

Hello Amber,

Attached is the “directionally correct mitigation” that are being put on PIDs going forward. I just wanted to flag a couple of things in the seed treatment section that have changed since we sent it to them. They are on page 22-23,

“REQUIRED HIGH-QUALITY SEED COATING STATEMENT

Commercial seed treaters must apply a high-quality seed coating (e.g., polymer coating) with an upper Heubach limit set to 0.75 g dust/100,000 kernels when treating seed as determined by the Heubach test.”

In the section for on Farm seed treatment and commercial seed treatment:

- A dust-reducing fluency agent must be used on planting equipment before planting treated seed.
- Dispose of all excess treated seed by burying seed at a minimum of a 2-foot depth on field, away from bodies of water.

I think the first one is okay since it will be during the seed treatment process and thus can be on section 3 labels but wasn’t sure if we could required the fluency agents on the bag tag at this time. That being said we do have other requirements statements in that section.

Best,
Quinn

From: Biscoe, Melanie <Biscoe.Melanie@epa.gov>

Sent: Thursday, October 13, 2022 6:30 PM

To: OPP PRD <OPP_PRD@epa.gov>

Subject: EPA Internal - Draft Baseline FIFRA Eco Mitigation Guidance

Importance: High

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PRD CRMs,

Attached is the along-awaited.... drum roll please... **(Draft) Baseline FIFRA Eco Mitigation Guidance!** We have talked about this a couple times in PRD’s ESA All-Hands; now you get to see the details.

I have included comments in the draft Guidance indicating what mitigation or advisory language will be going forward, what won’t, and anticipated changes to the mitigation and language.

Yes, are still some changes to be worked out! I’m hoping to get more certainty on these changes by next Wednesday 10/19, as well as timeline implications (particularly for the Q4 PIDs). However, we wanted you to still see the entirety of the guidance and mitigation/advisory measures, and be able to see where they may apply for your chemicals. Note that right now we only have the a.i.-level risk determinations from EFED for Q4 PID chemicals, and no explicit benefits determinations at the a.i. level from BEAD. We are working to see when we can get more details on both from EFED and BEAD, as that’s pretty essential to using the Guidance! In the meantime, if you have team meetings already scheduled for your Q1 chemicals, teams can use their best judgement (for now) to estimate where the chemical falls as a whole and start integrating it into the risk, benefit and mitigation “story” of your chemical.

For **Q4 PID teams**, your timeline will shift a bit once again. For those with **Q1 PIDs**, I know you are already working with your teams to get PIDs out. Please familiarize yourself with the mitigation and advisory language. You can share with your teams, but please note my aforementioned caveats about upcoming changes! Please keep in mind that these measures are essentially minimum measures that are not intended to address all eco risk, and may be expanded upon if appropriate for your chemical based on the risks and benefits. They also may not obviate the need for chemical-specific measures like rate reductions or changes to application timing, etc.

Please do NOT share the draft Guidance outside EPA; this is internal guidance, and as such is internal, confidential, and deliberative. Note that various aspects of this mitigation will be shared in the November 17 ESA Webinar, just not the guidance document itself. (When the announcement goes out for that, Tracy or I will share it and encourage all of you to attend).

If you have questions after reviewing the draft Guidance, please send me a chat or call me on teams. We can also reserve some time at one of the ESA PRD-All Hands for some discussion and Q&A.

Thanks and Best Regards,

Melanie L. Biscoe

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(She/Her/Hers)